

## **ARTICLE 13.**

### **Annexation**

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## **Annexation**

### **Sec. 13.1 Purpose and intent**

The purpose of this Chapter is to detail the required procedures for including lands within the municipal boundaries so that consideration may be given for expanding the Town's boundaries to:

1. Encourage well-ordered development of the Town;
2. Extend municipal government services and facilities to eligible areas which form a part of the whole Town; and
3. Further the goals and policies described in the Comprehensive Plan.

### **Sec. 13.2 General provisions**

1. Annexation of lands to the Town shall be in accordance with this Code and the laws of the State in effect at the time of annexation and which may be amended from time to time, including but not limited to requests for zoning as provided for in Sections 3.2.4, 4.7.2, and 13.3 of the Land Use Code as well as the processes further described in Article 4 of this Code and other Sections as applicable.
2. The Board of Trustees may consider annexation of any land that satisfies the eligibility requirements of the statutes of the State as follows:
  - a. The area proposed for annexation has not less than one-sixth of its perimeter contiguous with the municipal boundaries;
  - b. A community of interest exists between the area proposed for annexation and the Town; the area is urban or will be urbanized in the near future; and said area is integrated with or is capable of being integrated with the annexing municipality.
  - c. The proposed annexation furthers the intent of the Comprehensive Plan.
3. If the Board of Trustees determines to proceed with annexation of property, the Board shall make such determination by resolution which shall include the public hearing date.
4. Except as otherwise provided, the full width of all public rights-of-way adjacent to a proposed annexation shall be included in the annexation.

5. Application for inclusion into and exclusion from any applicable special district(s) shall be the responsibility of the applicant.
  - a. Applications for inclusion and exclusion must be submitted within 30 days of annexation.
  - b. Contact the applicable special district for inclusion / exclusion requirements.
  - c. A draft of the inclusion / exclusion documents shall be submitted with the annexation application.

### **Sec. 13.3 Required information**

Per Section 4.4 of the Land Use Code, Annexations shall be processed as a Major Application. Accordingly, the application for annexation must be preceded by a pre-application conference, and shall comply with Sections 4.5, 4.6, 4.7 and any other applicable provisions of this Code as determined by the Planner. In accordance with CRS §31-12-107, at minimum the following information shall be required for an annexation application, as further described in appendix A.

1. Letter of intent. The applicant shall provide a letter of intent addressed to the Board of Trustees to serve as a cover letter to the formal petition, introducing the applicant to the Board of Trustees, requesting annexation of the petitioner's property, identifying the proposed zoning and describing the development plans for the property, a description of the proposal, and how the request is consistent with the Comprehensive Plan.
2. Statement of conformance with the Town's Comprehensive Plan. This statement shall cite and provide a narrative analysis of the provisions that are consistent with the proposed annexation as detailed in the Comprehensive Plan. If an amendment to the Comprehensive Plan is deemed necessary by the Town Planner, the criteria for an amendment shall be explicitly addressed as otherwise detailed in the pre-application conference, this Code and the Comprehensive Plan.
3. A complete application form and related application fees.
4. Petition for annexation. See also section 13.9 Technical Standards.
5. Annexation Plat. The Annexation Plat shall meet the requirements detailed in the pre-application conference, as well as section 13.9, and must be prepared by, or under the direct supervision of a registered professional land surveyor licensed in the State of Colorado. Plats may be modified through the process to ensure that all applicable information has been provided.

6. An application for a zoning map amendment including the required submittals as described in Sections 3.2.3, 4.7.2 of the Land Use Code.
7. Letters of support and statement of intent to include or exclude the property into or from all applicable special districts. This may include, but is not limited to the following: The Northern Colorado Water Conservancy District and sub-district, Central Weld Water, Left Hand Water, Frederick Firestone Fire Protection District, Mountain View Fire Protection District, Fort Lupton Fire Protection District, Carbon Valley Recreation District, Tri-Area Sanitation, and St. Vrain Sanitation District, etc.
  - a. Draft letters to include and exclude into all applicable special districts shall be provided for review and referral to the applicable district.
  - b. The applicant shall make application for inclusion and exclusion with the applicable special districts no less than 30 days from approval of the annexation by the Board of Trustees.
8. Copies of all agreements between the applicant and governmental entities, quasi-public entities and special districts that may affect the applicant's property, addressing such things as access, irrigation, fire protection and sanitation, including but not limited to:
  - a. Water rights and encumbrance report.
  - b. Identification of lands anticipated for dedication for public sites.
9. Private agreements addressing topics subject to governmental approval, such as signage, oil and gas operations, gravel operations, building permits, and a discussion of historic uses.
10. Surrounding and interested property ownership report. The applicant shall provide a list (not more than 30 days old) of the names and addresses of the surrounding property owners within 1,000 feet of the property boundary in the form of a mailing list. The list shall also contain the names and addresses of the appropriate ditch companies, owners, mortgagees, etc., and as indicated in the pre-application form. The applicant (or agent) shall certify that the surrounding and interested property ownership report is complete and accurate with the following statement:

*I,\_\_(insert name)\_\_\_\_, certify this address list as being accurate and true as obtained by the (insert County name) County Assessor's website on this date,( insert date)."*

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*Signature*

11. Site analysis map documenting existing conditions, including but not limited to:
  - a. Area of property in square feet and/or acres;
  - b. Property boundaries and complete dimensions;
  - c. Boundaries of adjacent properties;
  - d. Topography at five-foot intervals, unless another interval is determined appropriate by the Town Planner during the pre-application conference;
  - e. Existing rights-of-way, streets, roadways and probable access points;
  - f. Existing utilities and easements;
  - g. Irrigation ditches, head gates and waste ditches;
  - h. Natural drainage patterns, bodies of water, water courses, flood plains and flood way;
  - i. Significant flora, including trees;
  - j. Areas of ecological significance, including wetlands, steep slopes, etc.;
  - k. Existing structures and land uses;
  - l. Existing oil and gas facilities and setbacks to such facilities; and
  - m. Number of dwelling units
12. A description of previous and current uses and improvements on the property including any non-conformities with the Town Code that will exist at time of annexation. This description shall also include information on existing ecological or land use conditions which may be significant and / or hazardous; and at the discretion of the Planner may include the need for a Phase 1 Environmental Assessment (in compliance with the EPA All Appropriate Inquiries Final Rule or ASTM 1527-05) for the subject property. This shall also include a discussion as to how these activities / non-conformities will be brought into compliance with the Town Code.
13. Annexation impact report (if required)
  - a. For annexations larger than ten acres, or as otherwise required by the Town Planner, the applicant shall prepare an annexation impact report concerning the proposed annexation. Such report shall be provided to the Town upon application. One copy of the report shall be forwarded by the Town to the

Board of County Commissioners governing the area proposed to be annexed a minimum of 25 days prior to scheduling any public hearings. This shall include a request for a referral response.

- b. At a minimum, the annexation impact report shall contain the following information and must comply with the Annexation Map standards detailed in Table A-2 in Appendix A of this Code:
  - (1) A map(s) of the municipality and adjacent territory to show the following:
    - (a) The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
    - (b) The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and
    - (c) The existing and proposed land uses in the areas to be annexed.
  - (2) A copy of any draft or final annexation agreement, if available;
  - (3) A statement setting forth the plans of the municipality for extending to, or otherwise providing for, municipal services performed by or on behalf of the municipality at the time of annexation;
  - (4) A statement setting forth the method under which the municipality plans to finance the extension of the municipal services into the area to be annexed;
  - (5) A statement identifying existing districts within the area to be annexed; and
  - (6) A statement on the effect of annexation upon local public school district systems, including the estimated number of students generated, the capital construction required to educate such students, and method of mitigating impacts on the local school system.
- 14. Draft Annexation Agreement. A draft annexation agreement shall be provided. The draft agreement shall comply with the technical requirements contained in Section 13.9.2 of this Article and developed under the guidance of the Town Engineer and Attorney.
- 15. Conceptual Development Plan. A conceptual development plan will be required if the anticipated development pattern for the annexed area conflicts with the goals and policies of the Comprehensive Plan. The Concept Development Plan shall comply with the technical criteria requirements contained in Section 13.9.3 of this Code.
- 16. Property tax statement. A copy of the prior year's property tax statement for all property to be annexed shall be provided.
- 17. Title commitment. The applicant shall submit proof of ownership in the form of a current title commitment, issued by a title insurance company licensed by the State

of Colorado, whose effective date shall be less than thirty days prior to the date of submittal of the annexation petition. Ownership must match the ownership listed in the petition. If the legal description of the area to be annexed, as shown on the annexation map, does not match the legal description of the property owned because of road rights-of-way or other reasons, the title policy, or surveyor must certify that the property owned is wholly contained within the described area on the annexation map. If the applicant is not the owner, there shall be provided, in addition to the title commitment naming the owner as the insured, a notarized affidavit by the owner stating that the applicant is authorized by the owner to make application for annexation. The applicant shall provide a word processing file of the legal description contained in the title commitment.

- a. An updated title commitment may be required by Town Staff prior to recording the annexation plat.
18. Water rights and encumbrance report: The applicant shall provide a "Water Rights Report" for the property detailing the water rights appurtenant to and severed from the property to be annexed and their historical use. The report must include both surface (tributary) and subsurface (non-tributary and not non-tributary groundwater). The Town may require that the applicant provide a water rights and encumbrance report prepared by a qualified water engineer or water attorney at any point during the annexation process.
    - a. The applicant shall comply with all Town water policies, including but not limited to the Town's Raw Water Ordinance.
    - b. All subsurface (non-tributary) water rights shall be deeded to the Town at the time of annexation.
  19. Land dedication for public sites: The applicant shall comply with dedication requirements in this Code at the time of platting, such requirements to be determined per Code requirements on the date of the applicant's application for subdivision pursuant to this Code. A land dedication may be required as part of the annexation process.
  20. Annexation assessment report: Town staff may, at their discretion, require an Annexation Assessment Report, containing the information detailed in Section 13.9.4 of the Code.
  21. Zoning districts and amendments shall be processed and established in accordance with Section 4.7.2 of this Code.
    - a. Zoning map. A zoning map shall be provided in conformance with the requirements detailed in Section 4.7.2 of the Land Use Code.
  22. Relationship to other code requirements. Other processes may be required for consideration of annexations with existing or proposed development, including but

not limited to Article 4 of the Land Use Code (i.e. conditional uses, special uses, site plan, subdivisions, etc.) as deemed necessary by the Town Planner.

**Sec. 13.4 Review procedures**

1. Upon determining that the Town has received a complete annexation submittal meeting the provisions of Section 13.3 and other applicable provisions of this Code, the Planning Department shall forward the agencies and offices identified in the pre-application conference a copy of such annexation application, plat and supporting documents for review and comment. At minimum this shall include:
  - a. Town Engineering Department
  - b. Town Attorney
  - c. Town Police Department
  - d. Frederick Firestone Fire Protection District (and any other applicable fire district)
  - e. Sewer District
  - f. Water District
  - g. Applicable Utility Companies
  - h. Mineral Interest Holders, ditch companies, and other interest holders as identified by the applicant or listed in the title report
  - i. Carbon Valley Recreation District
  - j. Affected departments, districts, State or County agencies, offices and others as identified by the Town Planner, etc.
2. All such reviewing agencies and offices shall have 25 days from the date of distribution of the annexation plat and supporting documents to submit comments to the Town Planner assigned to the annexation. This time period may be extended by the Planner as needed to complete the review. The Town Planner may require modifications to the application and submittal documents and re-referral to refine the application as necessary to ensure consistency with State Statutes, the provisions of this Code and the goals and policies of the Comprehensive Plan prior to scheduling a hearing for substantial compliance and any public hearings.
3. Upon application, and for each subsequent review, the applicant shall compile the required information into unsealed pre-addressed packets with adequate postage for distribution to the referral entities as identified by the Town. Town staff shall

include a referral sheet and / or cover letter into the packet and forward all relevant application materials to all appropriate referral agencies for the property, and other parties of interest. Any required fees associated with copies, mailing, and distribution of this referral will be billed to the applicant.

4. During the time in which zoning of newly annexed areas takes place, the Town may withhold any building or occupancy permit for any portion or all of the newly annexed area.
5. Annexations of enclaves may be initiated by the Board of Trustees when such enclaves have been completely surrounded by property within the municipal limits for a period of at least three years in accordance with C.R.S. §31-12-106 and the applicable requirements of this Code.

### **Sec. 13.5 Public review and notice**

1. Substantial Compliance: Upon the Town Planner's determination that the petition and supporting documentation are complete, in compliance with provisions of this Article and applicable requirements the Planner shall refer the petition to the Board of Trustees for consideration during a regular public meeting.
  - a. If the petition is found to be in substantial compliance with this Article, the Board of Trustees may, by the adoption of a resolution of intent to annex, set the annexation and zoning Public Hearings on a specified date, time and place, not less than (30) thirty days nor more than (60) sixty days from the effective date of the resolution, subject to compliance with C.R.S. §31-12-108.
    - (1) The notice for the Planning Commission Public Hearing and Board of Trustees Public Hearing shall proceed in accordance with C.R.S. §31-12-108. Notice shall be published once a week for four consecutive weeks. The first publication shall be at least thirty days prior to the date of the public hearing. A copy of the published notice, resolution, and petition shall also be sent by Town Staff to the Board of County Commissioners and County Attorney, any special district, and school district within the territory of the area to be annexed a minimum of 25 days prior to the scheduled public hearing.
    - (2) Notice: In accordance with C.R.S. § 31-12-108 Notice of the Public Hearing shall consist of a copy of the resolution or the petition as filed (exclusive of the signatures) together with a notice that, on the given date and at the given time and place set by the governing body, the governing body shall hold a hearing upon said resolution of the annexing municipality or upon the petition for the purpose of determining and finding whether the area proposed to be annexed meets the applicable requirements of C.R.S. §31-12-104 and §31-12-105 and is considered eligible for annexation. Said notice shall be published once a week for four successive weeks in some newspaper

of general circulation in the area proposed to be annexed. The first publication of such notice shall be at least thirty days prior to the date of the hearing. The proof of publication of the notice and resolution or petition, or the summary thereof, shall be returned when the publication is completed and, the certificate of the owner, editor, or manager of the newspaper in which said notice is published shall be proof thereof, and a hearing shall then be held as provided in said notice. A copy of the published notice, together with a copy of the resolution and petition as filed, shall also be sent by registered mail by the clerk to the board of county commissioners and to the county attorney of the county wherein the territory is located and to any special district or school district having territory within the area to be annexed at least twenty-five days prior to the date fixed for such hearing. The notice required to be sent to the special district or school district by this subsection shall not confer any right of review in addition to those rights provided for in C.R.S. §31-12-116. Zoning may occur concurrently with annexation notice and as required for an amendment to the zoning map detailed in Section 4.7.2 of this Code and may be combined with the notice for annexation. An opportunity for public testimony shall be provided at the Public Hearing.

- b. If the petition is found to not be in compliance with this Article, no further action shall be taken, except that the determination shall be made by resolution adopted by the Board of Trustees.
2. Public Hearings: The Planning Commission and the Board of Trustees shall hold a Public Hearing when zoning is included as part of the annexation. A Public Meeting will suffice for Planning Commission if Zoning is not to be considered. Notice of said hearing shall be as follows:
- a. Planning Commission review and recommendations.
    - (1) The Planning Commission shall hold a Public Hearing on the zoning of the property concurrently with the annexation review, on the date and at the time set by the resolution of substantial compliance for annexation. The petitioner shall present evidence in support of the petition for annexation and the zoning application. Planning Staff shall testify as to the elements required by statute and this Code to be present for annexation and zoning. An opportunity for public testimony shall be provided at the Public Hearing.
    - (2) The Planning Commission, upon the conclusion of the hearing at which it considers the petition for annexation and zoning, by resolution shall recommend approval of the petition for annexation with or without modifications and/or conditions, or recommend denial of the request. The Planning Commission, by resolution, shall also recommend approval of the proposed zoning with or without modifications and/or conditions, or recommend denial of the

requested zoning district. The Planning Commission shall refer any such recommendation to the Board of Trustees.

- b. Board of Trustees public hearing and action on annexation.
  - (1) The Board of Trustees shall hold the public hearing on the petition for annexation and zoning of the property, on the date and at the time set by the resolution of substantial compliance. The petitioner shall present evidence in support of the petition for annexation and the zoning application. Planning staff shall testify as to the elements required by statute and this Code to be present for annexation and zoning. The Board of Trustees may continue the hearing to another date without additional notice if deemed necessary to consider all of the relevant evidence, and upon a minimum of one hour of testimony. All proceedings at the hearing and any continuances thereof shall be recorded, but the recorder's notes need not be transcribed unless otherwise required by State Statute. An opportunity for public testimony shall be provided at the Public Hearing.
  - (2) At the conclusion of the Public Hearing, the Board of Trustees shall adopt a resolution containing the findings of fact and conclusions, including:
    - (a) Whether the requirements of C.R.S. §31-12-104 and §31-12-105 as amended, and this Article have been met;
    - (b) Except for any terms noted in the annexation agreement, no additional terms and conditions are to be imposed beyond what is provided for in the resolution and ordinance; and
    - (c) Whether an election is required, either as result of a petition for election or the imposition of additional terms and conditions.
- 3. If the Board of Trustees finds that the area proposed for annexation does not comply with the requirements of C.R.S. §31-12-104 and §31-12-105 as amended, the annexation proceeding will be terminated.
- 4. If the Board of Trustees finds the following:
  - a. The annexation is in compliance with the requirements of C.R.S. §31-12-104 and §31-12-105;
  - b. An election is not required under C.R.S. §31-12-107(2);
  - c. The petition is found to be signed by the owners of one hundred percent (100%) of the area proposed to be annexed, exclusive of streets and alleys; and

- d. Except for any terms noted in the annexation agreement, no additional terms and conditions are to be imposed beyond what is provided for in the resolution and ordinance;

Then the Board of Trustees may annex the land by ordinance without election. The ordinance annexing such area shall include a statement that the owners of one hundred percent (100%) of the area petitioned for the annexation. The zoning of the property shall be approved by separate ordinance and in accordance with Article 4 of this Code.

- 5. If the Board of Trustees, in its sole discretion, finds that the annexation is not in the best interests of the Town, it may deny the petition by resolution, stating the grounds for such denial. Only in the event of a petition for the annexation of an enclave as provided by C.R.S. §31-12-107(5), shall the Town be required to annex property. 5. In preparation for the annexation hearing, the Town Planner shall provide a staff report and include a summary of all referral comments received regarding the annexation plat and zoning plat along with the staff analysis and a recommendation for action regarding the request based on the provisions of the Land Use Code, Adopted Comprehensive Plan, statutes, and other applicable factors. The report shall be presented to the Planning Commission and Board of Trustees for consideration of the request for annexation and zoning. In taking action on the annexation the Planning Commission and Board of Trustees, shall consider any comments received from agencies or offices receiving copies of the annexation plat, the staff recommendation, and any comments received from citizens. Zoning shall be considered in accordance with the requirements detailed in Article 4. The Board shall also consider if the proposed annexation meets the criteria in Section 13.2 General Provisions, in taking action to approve, deny or table the annexation for future consideration. The Commission and Trustees shall also consider if the proposed annexation meets the following criteria in taking action to recommend approval or denial, or to table the annexation to a date certain for further consideration:

- a. The proposed annexation is consistent with the policies and goals of the Town's adopted Comprehensive Plan;
- b. The proposed annexation promotes geographical balance of the Town's land use pattern;
- c. Adequate services are, or will be, available to support the development expected to result from the proposed annexation;
- d. The proposed annexation provides for a continual and rational boundary; and
- e. The proposed annexation is needed to accommodate future land use requirements.

### **Sec. 13.6 Annexation elections**

1. The qualified electors of the area being proposed for annexation may petition the Board of Trustees to hold an annexation election. The petition for annexation election shall be provided in accordance with state statutes C.R.S. §31-12-107.
  - a. If the petition is for an annexation election, the Board of Trustees determines that less than one hundred percent (100%) of the owners have signed the petition for annexation or the Board of Trustees determines that additional terms and conditions should be imposed upon the area proposed to be annexed, which are not agreed to voluntarily and in writing by the landowners, the Board of Trustees shall make appropriate findings by resolution and order an election to be conducted in accordance with C.R.S. §31-12-112,
  - b. If the annexation is approved by the eligible electors in accordance with C.R.S. §31-12-112, as amended, the Board of Trustees may by ordinance annex the land. In the event the annexation is not approved by the eligible electors or the vote is tied, the annexation proceeding will be terminated.
2. The petition shall be filed with the Town Clerk and shall comply with the provisions of the state statutes and the Land Use Code.
3. If the petition for annexation election is in substantial compliance with state statutes and the provisions of the Land Use Code, the Board of Trustees shall call for an election to be held. Notice of such election shall be given by the Town Clerk.
4. If a majority of the votes cast at the election are against annexation, or the vote is tied, the annexation proceedings to date will be voided and considered of no effect and the Board of Trustees shall proceed no further with the annexation proceedings.
5. If a majority of the votes cast at the election are for annexation, the Board of Trustees may thereafter annex the area.

### **Sec. 13.7 Post-approval actions**

1. After final passage of the annexation ordinance, the applicant shall provide five original signed and stamped 24x36 Mylar Annexation Plats for review and approval by Town Staff prior to recordation. Additional documentation may also be required. Zoning Map Amendments shall be considered in accordance with the requirements detailed in Article 4. Once approved, the Town will file one copy of the approved annexation map with the original of the annexation ordinance in the office of the Town Clerk. The Town Clerk, or designee, shall file for recording four approved certified copies of the annexation ordinance and annexation map with the applicable

County Clerk and Recorder. The Town shall request the County Clerk and Recorder to forward one copy of the recorded annexation map and ordinance to the Division of Local Government in the Colorado Department of Local Affairs, one copy of the recorded annexation map and ordinance to the Colorado Department of Revenue, and one copy of the recorded annexation map and ordinance to the Frederick Firestone Fire Protection District.

2. Zoning shall be considered concurrently with the review for annexation and in accordance with Article 4 of this Code.
3. Copies of the official zoning map amendment shall be recorded with the County Clerk and Recorder in the manner provided by Article 4 of this Code.

### **Sec. 13.8 Fees and expenses**

Fees and expenses accrued during the review and approval of the annexation and zoning shall be reimbursed to the Town in accordance with Section 1.11 of the Land Use Code.

### **Sec. 13.9 Technical Standards**

1. Petition for Annexation technical criteria. The petition shall be signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the land area. Sample petitions are available from the Planning Department. The petition shall comply with the following technical requirements:

The applicant shall submit a petition for annexation complying with the requirements of C.R.S. §31-12-107, The Town's standard form petition shall be utilized. Any deviation from the standard form petition will require review and approval by the Town Attorney before the Town accepts the petition for processing. The applicant shall provide a word processing file of this document if it deviates from the Town's standard form petition. The petition shall contain the following statements:

- a. An allegation that it is desirable and necessary that the area be annexed to the Town.
- b. An allegation that eligibility requirements and limitations have been met or addressed respectively.
- c. An allegation that the petitioners comprise the landowners of more than fifty percent (50%) of the territory included in the proposed annexation area (excluding streets and alleys).
- d. A request that the annexing municipality approve the annexation.
- e. If not already included, consent to the inclusion of the property into the Northern Colorado Water Conservancy District and Municipal Sub-district,

Carbon Valley Parks and Recreation District, Tri-Area Ambulance District, Frederick Fire District and the Tri-Area Sanitation District, St. Vrain Sanitation District or Dacono Sanitation District, or others as appropriate.

- f. A waiver of any right to election pursuant to Section 28 of Article X of the Colorado Constitution before a district can impose property tax levies and special assessments.
  - g. Agreement to pay all back taxes levied by the Northern Colorado Water Conservancy District against landowners' property at the time of inclusion into the district.
  - h. The dated signatures of petitioning landowners. Petition signatures must be signed within one hundred eighty (180) days of the date the petition is first submitted to the Town Clerk.
  - i. The mailing address of each signer of the petition.
  - j. The full legal description of land owned by each signer of the petition (if platted, by lot and block; if un-platted, by metes and bounds).
  - k. The affidavit of each petition circulator that each petitioner's signature is valid.
2. Annexation agreement: An annexation agreement template shall be provided at the pre-application conference. Upon submittal of the application for annexation and zoning, a draft annexation agreement shall be provided by the applicant for review by Town Staff. Any changes or additions to the standard form annexation agreement proposed by the applicant or the Town shall be addressed in the "supplemental provisions" Section of the document. An electronic version of the agreement with edits noted shall be provided along with a hard copy for this review. A minimum of two original Agreement's must be signed by the applicant and provided to Town Staff a minimum of two weeks prior to the Board of Trustees Public Hearing for annexation. The agreement may be amended and shall reflect the terms and conditions as established by the Board of Trustees; and signed by all applicable parties prior to recordation. If a property to be annexed has multiple ownerships, all of the owners must be listed and sign the annexation agreement prior to recordation. If multiple properties are combined for annexation purposes, and each property will be developed separately, separate annexation agreements shall be signed by each property owner, prior to recordation of the annexation documents.
3. Concept Development Plan map technical standards: A Concept Plan, if required by the Town Planner, shall be prepared by or under the supervision of a qualified professional. The Concept Plan shall conform to the drafting standards of the annexation map. It shall be a neat, clear, permanent, legible and reproducible document. Inaccurate, incomplete or poorly drawn maps shall be rejected. In addition, the applicant shall provide:

- a. Electronic and / or paper copies, in quantities, sizes, and resolutions as determined by the Town Planner in the pre-application conference.
  - b. The concept plan map drawing shall contain the following:
    - (1) Show the boundary of the property and the area to be developed;
    - (2) The general location of each proposed land use on the property and the percentage of the whole for each use. General location of land uses may be shown as irregular graphic shapes depicting the approximate size and relationship to adjacent land uses. A table shall be used to list anticipated densities and land use by type, including the area of each, the density of residential development the maximum and minimum lot sizes, and the maximum square footage of commercial and industrial buildings and the maximum and minimum lot sizes;
    - (3) Show existing and proposed arterial and collector streets and their relationship to the principal land uses on the site;
    - (4) Show existing and proposed major utility lines or facilities and their relationship to the principal land uses on the site;
    - (5) Show significant natural or man-made features and physical constraints of development on the site and contiguous to the property, including but not limited to bluffs, tree galleries, lakes and ponds, irrigation ditches, watercourses, wetlands, and the like.
    - (6) A .pdf version of the drawing shall be submitted with the application on a CD-Rom.
4. Annexation Assessment Report shall contain the following:
- a. The economic impact to the Town as a result of the proposed annexation. This shall include a short statement of revenues likely to be generated by any existing or contemplated development, and a statement of municipal expenses likely to be incurred as a result of the annexation and development; as well as the short-term and long-term economic development potential for the property (numbers of jobs to be created, sales and use tax generation, property tax generation, utility revenue generation, incentives to be requested or offered, etc.);
  - b. The impact of the proposed annexation on the existing transportation system and proposals to mitigate any negative transportation impacts upon the community (arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation, etc.), including the compatibility of the proposed development with the *Frederick Comprehensive Plan* and any plan amendments that may be necessary for the proposed development;
  - c. The impact of the proposed annexation on the existing storm drainage system and proposals to mitigate any negative drainage impacts upon the community (historic rainfall drainage patterns, detention and retention areas,

storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.);

- d. The impact of the proposed annexation on the Town park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs (additional facilities, additional recreational programs, additional personnel required, etc);
- e. The impact of the proposed annexation on the environment of the Town and proposals to mitigate any negative impact (identify environmentally sensitive areas, endangered species, significant habitats, etc.);
- f. The compatibility of the proposed annexation with the street master plan as depicted by the *Transportation Map* contained in the Comprehensive Plan and proposals for mitigating any negative impact;
- g. The compatibility of the proposed development with this Code and any deviations in setbacks, space requirements and permitted uses that may be required for the proposed development; and
- h. A review of existing and adjacent land uses, areas of compatibility or conflict, and possible mitigation measures that may be required for the proposed development.